vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6448 OF 2007

Gospel Literature Service ... Petitioner

V/s.

Avinash L Tambe & Ors ... Respondents

Mr.R.L. Nerlekar for Petitioner
Mr.S.S. Pathak for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 3, 2007**

P.C.:

. The petitioner is aggrieved by the order of the Labour Court passed on an application U10. The Labour Court has, besides granting other reliefs, directed the petitioner in the following manner:

> "..Simultaneously, as an additional IR temporarily granted in favour of the complainant; the respondents are directed to allow the complainant to continue to stay in the said accommodation of the company till the final Judgment/order on me its below Exh.U-1."

2. In my opinion, the Labour Court could not have passed the aforesaid order. The services of the respondent workman were terminated on 12.4.2006 after holding an enquiry. The order of the Labour Court is

dated 1.8.2006. The petitioner issued a notice terminating the agreement permitting the Respondent to occupy the premises owned by the Petitioner. On 4.8.2006, the City Civil Court before which the respondent had filed a suit for an injunction has denied interim relief to the respondent. According to the learned advocate for the petitioner, the petitioner has also filed a suit before the competent Court for eviction of the respondent. In such circumstances, the respondent may continue in the premises till such time as the petitioner obtains an order of eviction from the competent Court. The order of the Labour Court is modified accordingly.

3. Petition is disposed of accordingly.